File No. 294

1893.

Collection No.

Impson Residency

Pros. Serial Nos. 91 — 103.

Subject.

proposals to amend certain sections of the Bangalore Municipal Law, 1897

Previous References.

Later References.

817
34.

DOFP 678S&P—(G-1085)—10-3-30—1,00,000.

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of -190

Serial Nos. 1 - 2 of File 294 of 1893.

Proceedings number.	Subject and order	Date of last order.	Previous Proceedings.		
			Serial or Proceedings number and Branch	File or month.	Year
123-124	Telegram to Foreign, Simla, informing that no notification has been issued by Governor-General defining the limits of C. and M. Station Municipality.	19th Sep. 1906.		294	189
101-102	No. 5324, forwarding to the Durbar 2 copies of the Bangalore Municipal Law of 1897 and of the bye-laws made thereunder.	12th Aug. 1909.	294—1893		

Office of the Resident in Mysore.

_____ Branch

Proceedings No. of the month of 190 .

Serial Nos. 100 to 103 of File 294 of ~~190~~ 1893

Proceedings number.	Subject and order.	Date of last order.	Previous Proceedings.		
			Serial or Proceedings numbers and Branch	File or month.	Year
35-36	Submitting for the orders of the Government of India, Foreign Department, proposals to amend certain Sections of the Bangalore Municipal Law of 1897.	8th Dec 1897	294		1893

E. P. S —7-1905.—1,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 42/93

1/91

D.O Letter No. telegram dated 17: September 96
from the Govt of India, Foreign Dept

SUBJECT.

Limits of the Colombo Municipality —

No notification appears to have been issued by the Govt of India under section 4 of the Municipal Town, 1897:

2. The matter engaged attention when the Municipal Law of 1897 was enacted, & it was thought that no notification by the G. of India in Council was necessary for the reason given in para 3 of the letter No 3098 of the 28: July 1897 to the President, and Commissioners — If approved, the Govt of India may be informed accordingly —

Sd. 46. Dec 294/93

18/9/96

19/9/96

The draft is clear, I think.

Sec. 2 (2) of the existing (1897) law making Sec. 2 of the old (1883) law still operative.

19/9/96.

J W. 1919

R. P. B.—7-1909.—2,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 294/1893

S 100

Letter No. 3352 *dated* 11th October 1909.

from the President, Municipal Commission, C. & M. Station, Bangalore.

SUBJECT.

Amendments in certain sections of the Bangalore Municipal Law, 1897.

The Bangalore Municipal Law, 1897, was approved by the Govt. of India in June 1897 and promulgamated under Foreign Deptt. Notificatcn No. 2175.I.A. dated the 9th June 1897. In July 1898, certain defects in the Law were brought to notice by the Municipal Commissicn, but it was considered unnecessary to trouble the Govt. of India with a reference connected with the amendment of a law recently passed -- which was designedly framed on a particular model and from the operatcn of, or defects in, which no special inconvenience appeared till then to have arisen. --- Since then, amendments have been made in sections 41, and 51 of the Municipal Law.

S 41/a

S 85

S. 87

S 20 of 2 102/05

2. The Commissicn have now resolved upon the amendment of certain sections of the Municipal Law, and request that the Govt. of India may be moved in the matter. The proposals are contained in Appendix C to the President's letter, with reasons for the same and will be briefly noticed in the following paras:—

The proposed addition may be approved by Govt. of India

3. Section 21 (1). The proposed addition will no doubt serve to legalize the existing practice but is probably not quite ~~many~~ necessary. The exclusion of peons and other menial employes from the operation of the rules

Notes-continued.

Margin for binding not to be written on.

S.46 of 342/1889.

Vide para 140 of note appended to Collection 43-46 of file 342/89. Flag A.

* Omit as suggested.

S.87, para 2(8) of 294/1893

S.87, para 2(11) of 294/93

S 87 para 2(10) of 294/93

S 87, para 2(13) of 294/93

R. P. B.—7-09.—2,000.

rules prescribed for the levy of the pensionary contributions has been sanctioned by the Resident in this office letter No. 3904, dated 5th Dec. 1892, and the matter was at the time brought to the notice of the Govt. of India by its being included in the Political Diary then being submitted to the Govt. of India.

4. Section 80 (2). The proposed amendment seems reasonable, but it should be added as sub sec. 3. The latter portion of the amendment from the words "within fifteen days" may be left out as being unnecessary. Under Sec. 140 (1), the Commission has to fix a reasonable time for doing the work, and under Sec. 140 (3) and 141 the Commission can get the work done in case of default and the cost recovered.

5. Sec. 137 (1) (e) (i). The proposed amendment was considered desirable in 1899. It may be recommended.

6. Sec. 137 (1) (e). The proposed addition of clause vii to this sec. was considered unnecessary in 1899 as the existing provision was regarded as sufficient. As it is intended to frame bye-laws for the control of places used for offensive & dangerous trades, the proposal may, if approved, be recommended.

The proposed addition of clause VIII which was considered desirable in 1899 may be recommended. But the expressions "specified articles" should be amplified to the following effect - viz., "articles which may be specified by the Commission with the approval of the Resident".

7. Sec. 151. The proposed amendment was accepted in 1899 and seems desirable. The proposed sec. may, following the wording of the Madras City Police Act (Sec. 71, IV of Madras Act III of 1888) - be re-casted

Notes-continued.

Margin for binding not to be written on.

recasted as follows:-

Whoever drives, drags or pushes any vehicle at any time between half an hour after sunset -- and one hour before sunrise without a sufficient light, shall be punishable with fine which may extend to twenty rupees

8. Sec. 159. The proposed amendment --- which it was noted in 1899 that it should be included in a reference to the Govt. of India when one was made, may be recommended. ~~The amendment would seem to require modification.~~

9. Sec. 193. The addition of this sec. to the Municipal Law may be recommended for the reason given by the President in the column of remarks.

10. The proposed ~~constitution~~ grouping of Sec. 186 (1) seems unobjectionable. But in sub-clause (e) for the words and figures "Code of Civil Procedure (XIV of 1882) as applied to the Station"--- may be substituted the words "Code of Civil Procedure for the time being in force in the Station" as the Code now in force is Act V of 1908 altered to meet the requirements of the Station.

The proposed addition of sub clause (e) --- seems also suitable.

11. As regards Clause (2) of Sec. 186, the Govt of India definitely refused sanction to the insertion of this clause when a proposal to this end was made in 1903. Sir Donald Robertson was then privately informed by Foreign Office that there were objections which were not foreseen when the Madras City Municipal Act, on which the amendment to the Bangalore Municipal Law is based, was passed-vide note on S. 7 of File 389/1902. The question was

Foreign Deptt. letter No.4488-I.A., dated 28th Sep. 1903. S. 7 of F.389/02.

Notes-continued.

Margin: for binding not to be written on.

was therefore dropped. It seems inadvisable to re-open it now. If the process of recovery through a Civil Court involves, as it probably does, tedious delay, or if the distress and sale of the defaulters' property by the Commission itself, in the manner prescribed by the Code of Civil Procedure, is not found to be sufficiently expeditious, the difficulty might be met by adopting (as suggested by the Govt. of India in 1903) a provision of the nature contained in Sec. 201 of the Punjab Municipal Act, 1891 (XX of 1891), under which sums due to the Municipality can be recovered on application to a Magistrate of the C. & M. Station by the distress and sale of the defaulters' moveable property within the limits of the station. A Magistrate will presumably adopt a summary procedure for the recovery of Municipal dues, while recovery in accordance with the procedure prescribed by the Code Civil ~~Code of~~ procedure will necessitate first an -- attachment by seizure, then a proclamation of sale, giving 15 days' notice and, finally, the actual sale itself. It is not clear whether in all cases recovery through Criminal Courts will be more expeditious than that by the agency of the Commission itself. Apart ~~from the fact that~~ from the possible complications arising from the fact that the District Magistrate ~~is~~ for the time being is ex officio President of the -- Municipal Council, there will probably be no need for further strengthening the hands of the Municipal -- Executive, if the proposed clause (3) of Sec. 186 permitting the recovery of Municipal dues from occupiers is enacted.* This last clause is based on Sec. 187# of the Madras City Municipal Act, 1904. A similar course is permissible also under Sec. 110 of the -- Madras District Municipalities Act, IV of 1884.

12. Sec. 58. The proposed addition of clause (2) and

* Recommend adoption of S 186 (3) ? TR 11/7

Sec 16 of the Bangalore Municipal Law. 1897.

Cf. also S 87 of the Bangalore Municipal Regulations (1883) (vide para 9 of the Lloyds' letter D/ 26/7 1903) JH

R. P. B.—7-09.—2,000.

Margin for binding not to be written on.

and change of existing clause (2) into clause (3) may be recommended for the reason given in the col. of remarks.

13. Sections 41 (2) and 53 (1). The proposed amendments seem desirable and may be recommended. Similar provisions exist in the -- Madras City Municipal Act.

Submitted for further orders.

14. Take action as proposed in the margin above. Difficulty is likely to arise only in respect of proposed clause 5 (2) of section 186, by reason of the unsuitability of the provision similar to section 201 of the Town Planning Act, a good case can be made out for revising the proposal regarding which the attention of the proposer should be drawn before the matter should be allowed to drop

Margin for binding not to be written on.

Draft d. 0 Letter to the President, Municipal Commissioners' Court Station, with reference to order on paper 4 (Papers) ante, is submitted for approval.

A.J.
19/11/09

19/11/09

To 20/11/09

Dated 19th Nov. 09 22/23 Nov. 09 R 104

From Mr Richards of 27—12—09 — 31/102 rec'd

Draft letter to the Govt of India, together with a draft notification, is submitted for approval.

A.J.
7/12/09

7/12/09

Draft letter to Govt of India sent in accordance with Resolⁿ notes of 17-11-09.
Issue Draft Letter — S.O.?

To 10/12/09

Resolⁿ

Sent to Govt of India 13/12/09

To the India Office 21/12

Letter to S. of S. P.D. dated 18th Dec 09 R 103.

RESIDENT'S OFFICE.

———:o:———

NOTES AND PRECIS.

R. P. B —6-05,—1,000.

Received at Bangalore
Regd. No. 5364
Date & Hour of Receipt 18.9.06

94

INDIAN TELEGRAPHS.

Code Class. } 5. Monthly Number. } 5893

To (Office) Bangalore | From (Office) Simla

Words.	Day.	Hour.	Minute.	Official Instructions.
29	17	18	19	DL

To (Person) 15 - 1 - Pr - 1 - tapeears 1817 | From (Person) Foreign

demi official please Telegraph whether limits Bangalore ever been defined under clause 4 Bangalore municipal law 1896 quoting notification if this has been done

1847

RANGALORE 18 9 06

Recd. from LN. | Sent to LN

At Hrs. Mts by | At Hrs. Mts by

Telegraph Master.

32 Word Form.

F.C.I.

* In foreign telegrams the *Person from*, if telegraphed, should be written after, but separated from the text.

C G P—No 318 T—27 7 1905—4000000

THE RESIDENT'S OFFICE.

Dated 190

Despatched 19th Sept 1906

From Bonyphin

From ~~the~~ Resident

To Simbu

To Kaiapit

OFFICIAL INSTRUCTIONS.

State Reserves

These limits were defined under ~~by~~ section 2 of Municipal Regulations 1883

R. P. B.—7.06.—1,000.

TELEGRAM. 72

[DRAFT.]—For approval.

Semi official

Your semi official telegram dated 19 September

No notification has been issued by Governor General under section 4 of Bonyphin municipal Law of 1897 defining limits of Civil Military Station Simbu.

~~Under municipal Regulations 1883, section 2, Resident empowered to~~ ~~and notify municipal limits~~ and attach to Bonyphin 2 of the ~~new~~ Municipal Law of 1897. Limits defined ~~was to have all existing~~ ~~notifications regarding municipal~~ ~~these limits to be~~ ~~cancelled~~ notifications by Governor General appear necessary under the 1883 Regulations

[illegible]
19/9/06.
19/9/06.

Original in file 107/1905 (Sl.12)

93

No. 5980, dated 20th October 1905.

From.-The Hon'ble Mr.S.M.Fraser C.I.E.,

Resident in Mysore.

To.- Sir Louis Dane, K.C.I.E., C.S.I.,

Secy: to the Government of India,

Foreign Department.

Sir,

I have the honour to submit, for the orders of the Govt of India, a proposal of the Municipal Commission of the C & M Station of Bangalore to amend sections 41 and 51 of the Bangalore Municipal Law, 1897, promulgated in Foreign Department Notification No.2175-I.A., dated the 9th June 1897.

2. Under the first proviso to section 41(1)(b) of the Municipal Law as it stands at present, any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) by paying the tax which would have been leviable in respect thereof under clause(c) if the same had been kept in the Station. A large number of carts kept outside the Municipal limits enter the Station frequently in the course of business, and the owners of such carts including, it is believed, outside villagers as well as persons living just beyond the Municipal boundary, instead of paying the toll leviable under clause(d usually apply for composition by paying the tax under clause (c) which is more advantageous to them. The tax on vehicles and animals has been fixed on a moderate scale in consideration of the fact that it is payable by residents of the Municipality who contribute towards the expenses of Municipal Administration in several ways, e.g., by payment of house, water, lighting and scavenging taxes, and it is contended that persons who live outside the Station limits and who do not contribute to Municipal revenues should have no right to one of the privileges of a resident, viz., the right to use the Municipal roads for their carts on payment of a moderate fee but should pay for the wear and tear of the roadstheir coming and going causes by the payment of tolls. I consider that there is much force in this contention, and I agree, therefore, with the Municipal Commission that, as in the practice in the Bangalore City which adjoins the C & M Station, the Presidt should

should be invested with discretionary power in the matter of composition of tolls with persons living outside Municipal limits. It is important that the law in the C & M Station in this respect should correspond with that in force in the City because the two Municipalities have agreed to recognise each other's licenses and the City Municipality are now refusing to recognise licenses issued to persons who, they consider, have no inherent right to possess licenses as they do not live within the limits of either Municipality.

3. The proposal is to amend the first proviso to Section 41(1) (b) of the Municipal Law as follows:-

"Provided that it shall be lawful for the President of the Municipal Commission to compound with persons living outside the Municipal limits for a sum to be paid annually or half yearly, in lieu of all tolls payable under the provisions of this law in respect of vehicles or animals entering the Municipal limits, and the President shall issue licenses for such vehicles or animals; and while such licenses shall remain in force, such vehicles and animals shall be exempt from all tolls as aforesaid upon entering the Municipal limits: provided always that such composition shall include all the vehicles and animals possessed by the person compounding:-

In the exercise of the discretion thus permitted the President would observe the practice of compounding for a sum somewhat less than the estimated amount which the individual would have to pay in tolls, in the case of all persons living near, though beyond, the Municipal boundary and using their carts habitually for regular business within Municipal limits. In the case of the persons not living in Municipal limits he would refuse to compound.

4. In section 51(1) of the Bangalore Municipal Law, it is provided that, in respect of a tax other than on any land or building, no appeal shall lie unless it is preferred within seven days from the time when the demand for the tax is made. An octroi duty is demanded and levied on certain classes of goods on their entry into the C & M Station, and the duty is liable to refund when the goods are exported either beyond Municipal limits or into areas notified under Section 5 of the Municipal Law as being

being in the exclusive possession of the Military authorities. The question from what time the period of limitation should count for the purpose of an appeal under Section 51 of the Law against the order of the Municipal Commission in regard to the refund of Octroi duty when so exported, was a point at issue in a case which was recently considered by the District Judge of the Civil and Military Station, and, with reference to the remarks made in paragraph 5 of the judgment of the appellate authority in that case, the Municipal Commission propose that Section 51(1) of the Municipal Law should be amended so as to make it clear that appeals can be preferred within 7 days from the date of the order passed by the Commission regarding such refund. I am in favour of this proposal, and beg to recommend that the following words be added to the first paragraph of Section 51(1):-

"Or, in the case of any tax levied, which, under any general or special bye-law or rule in force, is liable to be refunded, within seven days from the date of the order passed by the Commission regarding such refund"

5. A draft Notification embodying the amendments proposed is enclosed for approval and favour of publication in the Gazette of India.

I have &c

-----O----- Say S. M. Fraser

Resident

DRAFT NOTIFICATION.

In exercise of the powers conferred by the Indian(Foreign Jurisdiction)Order in Council,1902,the Governor-General in Council is pleased to make the following amendments to the Bangalore Municipal Law,1897,promulgated in Foreign Department Notification No. 2175 I.A., dated the 9th June 1897.

For the following proviso to Section 41(1) B-"Provided that any person may compound for exemption from all tolls leviable in respect of any animal/ or vehicle under clause (d)by paying the tax which would have been leviable in respect thereof under clause(c),if the same had been kept in the Station",substitute the words "Provided that it shall be lawful for the President of the Municipal Commission to compound with persons living outside the Municipal limits for a sum to be paid annually or half yearly,in lieu of all tolls payable under the provisions of this law in respect of vehicles or animals entering the municipal limits,and the President shall issue licenses for such vehicles or animals,and while such licenses shall remain in force,such vehicles and animals shall be exempt from all tolls as aforesaid upon entering the Municipal limits;provided always that such composition shall include all the vehicles and animals possessed by the person compounding"

After the words"when the demand for the tax is made" in Section 51(1) add the words "or,in the case of any tax levied, which,under any general or special bye-law or rule in force, is liable to be refunded,within seven days from the date of the order passed by the Commission regarding such refund"

Original in File 102/1905 — 94

No. 5070 F. A.

A copy of the foregoing notification is forwarded ~~to the~~ Honourable the Resident in Mysore for information, with reference to his letter No. 5980 dated the 20th October 1906

By order &c
Ed E. Barnes
Assist. Secy. to the Govt. of India

Foreign Department
Fort William
the 21st December 1906

No. 5069 F. A. dated the 21st December 1906.

94
a

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 21st December 1906.

No. 5069-I.-A.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to make the following amendments to the Bangalore Municipal Law, 1897, promulgated in Foreign Department Notification No. 2175-I.-A., dated the 9th June 1897, namely :—

For the first proviso to sub-section (1) of section 41 *substitute*, "Provided that it shall be lawful for the President of the Municipal Commission to compound with persons living outside the municipal limits for a sum to be paid annually or half-yearly, in lieu of all tolls payable under the provisions of this law in respect of vehicles or animals entering the municipal limits, and the President shall issue licenses for such vehicles or animals; and while such licenses shall remain in force, such vehicles and animals shall be exempt from all tolls as aforesaid upon entering the municipal limits; provided always that such composition shall include all the vehicles and animals possessed by the person compounding."

2. In sub-section (1) of section 51 after the words "when the demand for the tax is made" *add* the words "or in the case of any tax levied, which under any general or special bye-law or rule in force, is liable to be refunded within seven days from the date of the order passed by the Commission regarding such refund."

L. W. DANE,

Secretary to the Government of India.

R. P. B.—1-07.—25.

Original in File 102/1905
No. 220

95

From

F. P. Rennie Esquire I.C.S.
First Assistant to the Resident in Mysore

Dated. 18th January 1907

94 [Here enter Foreign Depte. Notification No. 5069 F.A dated 21st December 1906]

Copy of the foregoing notification is forwarded to the President. Municipal Commission, C & M. Station of Bangalore with reference to the correspondence ending with Residency letter No. 5926 dated 19th October 1906 & his letter No. 2079 dated 2nd August 1906

Sd F. P. Rennie
F. A. R.

G.R.S. 48]

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

Pol. No. 90.

GENERAL AND REVENUE SECRETARIAT,

Dated Bangalore, ~~28th~~ 24th July *1909.*

From

K. S. CHANDRASEKHARA AIYAR, ESQ., B.A., B.L.,

Secretary to the Government of His Highness the Maharaja of Mysore,

General and Revenue Departments.

RESIDENT'S OF. BANGALORE
Register No. 1433
Date of Receipt 26-7-09
File No. 294/93

To

T.B.Copeland Esquire, I.C.S.,

First Assistant to the Hon'ble the Resident in Mysore.

SIR,

I am directed to request the favour of being furnished for reference with two copies of the Bangalore Civil and Military Station Municipal Law and of the Rules and Bye-laws framed thereunder.

(Enquire if spare copies with available the Spare.)

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to Government.

Copy of letter is sent for approval.

27/7/09

GPB-5,000-22-7-07

R. P. B.—6-09.—1,000.

RESIDENT'S OFFICE.

Serial No. 97
File No. 1519
'93

[DRAFT:]—For approval.

From

T. B. COPELAND, Esq., I. C. S.,
1st Assistant to the Resident in Mysore.

To

The President, Municipal Commissioners
for station of Bangalore.

No. 4983
Dt 29th July 1909.

Sir,

I am directed to request that two copies of the Bangalore Municipal Law, 1897, & of the rules & bye-laws framed thereunder may be forwarded to this office for the use of the Mysore Durbar.

I am, etc;

T. B. Copeland
1st Asst. Resident

A. 96

Resident
27/7/09

22/7/09

Sent 28/7/09

Sent
28/7/09

H.O.
—1,500—5—4—1909.
6

No. 2213 with 4 encls.

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 4th August 1909.

FROM

F. J. RICHARDS, ESQUIRE, M. A., I. C. S.,

President, Municipal Commission,

C. & M. Station, Bangalore.

RESIDENT'S OFFICE,
BANGALORE.
Register No. 4551
Date of Receipt 6-8-09
File No. 2946/93

T. B. Copeland Esquire I.C.S.,

First Assistant to the Resident in Mysore,

Bangalore.

SIR,

As desired in your letter No.4983 dated the 29th July 1909, I have the honor to forward herewith 2 copies each of the Bangalore Municipal Law of 1897 and of the bye-laws made thereunder.

I have the honor to be,

Sir,

Your most obedient servant,

F J Richards

President, Municipal Commission,

Civil and Military Station, Bangalore.

Draft forwarding the copies of the Bunker is sent

R. P. B —8-09.—1,000.

RESIDENT'S OFFICE.

Serial No. 29
File No. 294/93

[D R A F T .]—For approval.

From

T. B. COPELAND, Esq., I. C. S.,

1st Assistant to the Resident in Mysore.

To

The Dewan of Mysore

Sir,

In compliance with the request contained in Mr. Chandrasekhara Aiyar's letter P&L no 90 of the 24th July 1909, I am directed to forward herewith two copies each of the Bangalore ~~Cantonment~~ Municipal Law of 1897 and of the byelaws made thereunder

I have &c

Sd T. Copeland

FAD

No. 5324 Ems 4

8/12" Amjt 1909

596

Encl 2 [8]vg

Mw 7.8.09

9/8/09

H.O.
6 1,500—5—4—1909.

No. 3352 with 3 Encls.

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 11th October 1909.

FROM

RESIDENT'S OFFICE,
BANGALORE
Register No. 6043
Date of Receipt 14/10/09
File No. 294/09

F. J. RICHARDS, ESQUIRE, M. A., I. C. S.,

President, Municipal Commission,

C. & M. Station, Bangalore.

T.B.Copeland Esquire, I.C.S.,

First Assistant to the Resident in Mysore,

Bangalore.

SIR,

I have the honor to submit for the consideration of the Hon'ble the Resident the enclosed copies of the Resolutions of the Municipal Commission passed at their Ordinary Meetings held on the 29th July and 26th August 1909 relative to the amendments proposed in certain Sections of the Bangalore Municipal Law of 1897. For facility of reference I also enclose a statement showing (1) the Sections as they stand at present, (2) Sections as proposed to be amended and (3) remarks explaining the reasons for the amendments.

Appendix A — B. — C.

2. As the year of the Law indicates it was passed in the year 1897 and in the course of working its provisions experience has shown that the amendments proposed are very necessary. The Commission have given them very careful consideration in the light of the views expressed by Mr.Moore after an experience of 5 years during which period he had many opportunities of observing the defects in the law now pointed out. I would therefore request that if the Hon'ble the Resident agrees with the Commission the Government of India may be moved on the subject as early as convenient.

3. In proposing these amendments I wish to explain that the Commission have not overlooked the remarks and observations

observations communicated in the marginally noted reference from the Residency on the amendments of the ~~the~~ law then proposed. For the first time after the law was passed, that is about the middle of the year 1898, certain amendments were proposed, but the then Resident, Sir. Donald Robertson considered that it was too premature at the time to address the Government of India on the subject as the Law had been passed only so recently as in the year 1897. It will be seen, however, from the reference above cited that the Resident agreed with the Commission in considering the provisions of Sections 137, 151, and 159 to be defective, or insufficient, for certain purposes, and said that the amendments were noted for action when making a reference to the Government of India.

No. 400 dated 28.

4. I would further invite a reference to the correspondence ending with Mr. Lloyd's letter No. 838, dated 17th May 1903, which deals with section 186 of the Law relating to the recovery of sums due to the Commission. The Government of India were disinclined at the time to consider the amendment favourably- but in the circumstances explained in the remark column of the statement referred to in para 1 of this letter, and with special reference to the heavy arrears, or outstandings, at the ~~time~~ end of each year, I submit, that the additional power proposed is absolutely necessary for the recovery of the sums due to the Commission in cases in which the other remedies provided by the same section for the purpose fail.

5. The next in importance are Sections 53(1), 58(1) and 137(1)(e). The amendments proposed have been found to be essential for the reasons explained in the statement.

6. A new Section (No. 193) is ~~provided~~ proposed to be added. At present the President has no power to summon any person to attend his office to give evidence or produce documents. The want of this provision has been greatly felt in many instances, especially in those concerning taxation where evidence of occupiers is very desirable.

I have the honor to be,
Sir,
Your most obedient servant,

President, Municipal Commission.

Appendix A

Proceedings of an Ordinary Meeting dated 29th July 1909.

---

3. Amendments proposed to sections 21,80(1),137(1)(e) 151,159 (and new section 193) of the Bangalore Municipal Law 1897.

Resolved that the following amendments be passed.

Section as it stands.	Section as proposed to be amended
Section 21. All Officers and Servants of the Commission entertained in permanent employment on or after the 1st day of January 1892 shall be entitled to pensions or gratuities in accordance with the rules contained in the C.S. Regulations..... For the purpose of meeting such charges a deduction of five per cent shall be made from the salaries of all such Officers and Servants.	Section 21, All Officers and Servants of the Commission entertained in permanent employment on or after the 1st day of January 1892, shall be entitled to pensions or gratuities in accordance with the rules contained in the C.S. Regulations. For the purpose of meeting such charges a deduction of five per cent shall be made from the salaries of all such officers and servants, <u>expect those whose pay does not exceed Rs10/- per mensem.</u>
SECTION 137 1.(e)(i). The Commission may by byelaw provide. (i) for the inspection and proper regulation of encamping grounds, pounds, chatrums, markets, dhobi ghats flour mills and slaughter houses.	Section 137 1.(e)(i) The Commission may by bye-law provide (i) for the inspection and proper regulation of encamping grounds, <u>cart stands,</u> pounds, chatrums, markets, dhobi ghats, flour mills and slaughter houses.

Section as it stands.	Section as proposed to be amended.
	Add as 137 (1)(e) V11 For the control and supervision of all premises used for any of the purposes mentioned in Section 103, and of all trades and manufactures carried on therein. Add as 137 (1)(e)V111. For regulating the hours and manner of transport of skins hides horns, salt-fish and bones or any other specified articles from which offensive or unwholesome smells are likely to arise.
SECTION 159. Whosoever carries a corpse along a route prohibited by the Commission or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.	Section 159. Whoever carries a corpse along a route or deposits a corpse in any place prohibited by the Commission or in any place or any manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees.
Nil.	SECTION 193.(New). The President may summon any person to attend before him and to give evidence or produce documents as the case may be, in respect of any question relating to taxation or inspection, or to the grant of any license, under the provisions of this Law. Any person failing to obey the summons will be liable on conviction before a Magistrate to a fine not exceeding rupees fifty.

Copy

H. Cleeve

Secretary.

(Sd) F.J.Richards
President.

Appendix B.

Proceedings of an Ordinary Meeting dated 26th August 1909.

---

3. Amendment of sections 41 (2),53 (1),58 (1) 80 (1), 186 and 186(d) of the Bangalore Municipal Law 1897 and section No.151 referred back at the July Meeting for further information. Passed by the Standing Committee.

Resolved that the following amendments be passed:

Section 41(2) In this section annual value means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the cases of houses, may be expected to let unfurnished. Provided that in the case of any building not erected for purposes of being rented and not ordinarily let the annual value thereof shall be deemed to be six per cent on the estimated present cost of erecting the building and the estimated cost of the land in or on which the building is erected.

Section 53(1). For the purposes of this chapter the Commission may by notice in writing (a) call on the owner of any land or building to furnish within a week after the service of the notice returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building and (b) call on the occupier of any land or building to furnish within a week after the service of the notice return of the rent actually paid for such land or building and of the name of the owner

2. Every owner and occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knwoledge and belief.

(3) If any person so called upon to furnish information (a) omits to furnish it or (b) furnishes information which he knows or has reason to believe to be untrue he shall be punishable in case (a) with fine which may extend to Rs10/ and in case (b) with fine which may extend to Rs100/.

Section

Section 58(1) The Commission may at any time amend the assessment list by inserting the name of any person whose name ought to have been inserted or by inserting any property which ought to have been inserted or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake after giving notice to every person interested in the amendment of a time not less than one month from the date of service of such notice at which the amendment is to be made.

(2) When any building is built rebuilt or enlarged the owner shall give intimation thereof to the Commission within 15 days from the date of completion of such building, rebuilding or enlargement or from the date of occupation of such building whichever date happens first. The Commission shall on receipt of the said intimation assess the tax leviable in respect of the building. For every whole month intervening between the date of completion or occupation and the end of the half year one sixth of the half yearly instalment of such new tax or enhanced tax will be leviable.

Alter present clause (2) into (3).

Section 80(1)
Add as sub-section (2) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the Commission may, by written notice require him to replace the same within 15 days from the date of service of such notice and if the work is not done within the time allowed, the Commission may have it done and recover cost as provided in section 141.

Section 151
Whoever drives any vehicle half an hour after sunset in any street unless the vehicle is properly supplied with lights shall be punishable with fine which may extend to twenty rupees.

Passed by the casting vote of the President.

Alter 186 into 186(1).
Add as section 186(1)(d). By suing such person in the Civil Court.

(a) (b) (c) no alteration

Add

Add as section 186(1)(e). Taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax.

186(2) In case of non-payment of any tax imposed by sections 41, 42 or 43 within seven days from the date of the service of demand provided by section 186(b), the person bound to pay such tax and failing to pay the same, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due.

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of free allowance sanctioned.

186(3) If the sum due on account of any rate, rent or tax, from the owner of any house, building or land remains unpaid, after notice of demand has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the premises; and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him. Provided that no arrear of rate, rent or tax which has remained due from the owner of any house, building or land for more than one year shall be so recovered from the occupier thereof.

(Sd) F.J.Richards
President.

Copy

A. Claire

Secretary.

Amendments proposed in the B. M. L., 1897.

Section as it stands.	Section as Proposed.	Remarks.
Section 21. All Officers and Servants of the Commission entertained in permanent employment on or after the 1st day of January 1892 shall be entitled to pensions or gratuities in accordance with the rules contained in the C. S. Regulations ....For the purpose of meeting such charges a deduction of five per cent shall be made from the salaries of all such Officers and Servants.	Section 21 All Officers and Servants of the Commission entertained in permanent employment on or after the 1st day of January 1892, shall be entitled to pensions or gratuities in accordance with the rules contained in the C. S. Regulations. For the purpose of meeting such charges a deduction of five per cent shall be made from the salaries of all such Officers and Servants. *Except those whose pay does not exceed Rs. 10 per mensem.*	The Section as it stands does not exempt "Inferior" servants from payment of pensionery contribution, although all such have been as a matter of fact, exempted under the orders of the Resident, *vide* F. A. Resident's letter No. 3904 of the 5th December 1892. Sec. 46 of the Bill
Section 80. (1) The Commission may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit and may also cause a number to be affixed to any building and in like manner may, from time to time, cause such names and numbers to be altered.	Add as Sub-section (2) (2) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the Commission may, by written notice require him to replace the same within 15 days from the date of service of such notice and if the work is not done within the time allowed the Commission may have it done and recover cost as provided in Section 141.	The numbers affixed to houses are constantly obliterated or defaced when the premises are white or color washed, and even wantonly at times. It is not possible to trace the offender and prosecute him. Consequently houses have to be renumbered almost every year causing a lot of trouble and cost. The amendment is taken from Sec. 255 of the City of Madras, Municipal Act 1904.

omit 'or' between sec. 140 & 141 & insert 'and' between sec. 140 & 141

Section as it stands.	Section as proposed.	Remarks.
186 (1) When any sum is due to the Commission under this Law by any person, the Commission may recover such sum in the following manner namely :—	Alter 186 into 186 (1)	The Commission are not allowed the opt either prosecuting a defaulter or of suing him Civil Court for non-payment of taxes. The r for this amendment were fully gone into i Lloyd's letter No. 4635 dated the 26th January an extract from which is attached. The Resic reply agreed that some action was necessar called for a draft of the amendment proposed. draft was submitted. The matter was sent up Government of India and the President was inf unofficially that the Government of India were favor of the change. The time has come for a sideration of the proposal. From experience been found that unless some such power is gi the Commission the recovery of the arrears o will be hopeless and the arrears will go on acc lating every year. The outstandings have b follows :—
Recovery of sums due to the Commission.		
(a) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same in the manner provided in section 182;	(a) (b) (c) No alteration.	
(b) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person;		
(c) if such person does not within seven days from the service of such notice pay the sum due with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure (XIV of 1882) as applied to the Station;		
(d) by suing such person in the Civil Court, in which case any sum awarded by the Court shall subject to any claim on behalf of Her Majesty, be a first charge on the property (if any) in respect of which it is payable.	(d) *by suing such person in the Civil Court, in which case taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax.*	

	186 (2) *In case of non-payment of any tax imposed by section 41, section 42 or section 43 within seven days from the date of the service of demand provided by section 186 (b), the person bound to pay such tax and failing to pay the same, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due.*	Mr. Moore, after an experience of five the Station, has put on record his opinion as fo
	Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of free allowance sanctioned.	"I am strongly in favor of this and can "that it is necessary. Without the powers p "the arrears can never be kept down as low "should be except by remissions. All Munic "in Madras Presidency have the powers and "get them."
	186 (3) *If the sum due on account [illegible] the owner of any house, building or land remains unpaid, [illegible] notice of demand has been duly served the President may demand the amount from the occupier for the time being of such house, building or land, and on nonpayment thereof, may recover the same by distress and sale of any moveable property found on the premises; and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him. Provided that no arrear of rate, rent or tax which has remained due from the owner of any house, building or land for more than one year shall be recovered from the occupier thereof.*	

As the Law stands at present, the tax first charge on the property only if a de obtained. During the course of a year, many change hands and the purchaser is respons the taxes due only from the date of his purch not for the previous dues. The seller after the house leaves the Station and the dues hav fore to be written off. In other Municipalit tax is a tax on the property and not on the and must be paid by the owner at the time of within the period allowed by the Law of Lim

The amendment proposed will meet the c will not cause any inconvenience to the pu All that the purchaser has to do is to ascerta the Municipal Office the amount of the taxes the house and to with-hold such amount from t chase money. In all cases of purchase of ho perty, the purchaser pays fees at the Regi Office and finds out whether there are any p encumberances. In the case of taxes, no fe be paid.

The suggestion is adopted from section 19 City of Madras Municipal Act 1904.

31st March	1903 ... Rs. 18,8
,,	1904 ... ,, 19,7
,,	1905 ... ,, 20,0
,,	1906 ... ,, 17,7
,,	1907 ... ,, 22,6
,,	1908 ... ,, 25,8
,,	1909 ... ,, 34,7

SECTION AS IT STANDS.	SECTION AS PROPOSED.	REMARKS.
Section 41 (2). In this section annual value ieans the gross annual rent for which buildings and ands liable to taxation may reasonably be expected o let, and, in the case of houses, may be expected to et unfurnished.	*Section 41 (2). In this section annual value means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished. Provided that in the case of any building not erected for purposes of being rented and not ordinarily let the annual value thereof shall be deemed to be six per cent on the estimated present cost of erecting the building and the estimated cost of the land in or on which the building is erected.*	There are many buildings in the Station are not built with the intention of being re The owners have spent large amounts and built to suit themselves. If offered for rent, there wou no one to rent them. In such cases, the o demand that the houses be assessed at an esti rental. This is not possible. The proposed a ment will meet such cases. The addition sugg has been adopted from section 130 (1) of the M City Municipal Act of 1904.
Section 53 (1). The Commission may by notice l upon any inhabitant of the Station to furnish such ormation as may be necessary in order to ascer- n whether such inhabitant is liable to pay any tax ler this law.	Section 53(1) For the purposes of this Chapter the Commission may by notice in writing (a) call on the owner of any land or building to furnish within a week after the service of the notice, returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the build and of the name of the owner. (2) Every owner and occupier on whom such requisition is served shall be bound to comply with the same, and to make a true return to the best of his knwoledge ~~or~~ belief. (3) If any person so called upon to fur nish information (a) omits to furnish ~~it or (b) furnishes information~~ which he knows or has reason to believe to be untrue, he shall be punishable in case (a) with fine which may extend to rupee ten, and in case (b) with fine which may extend to rupees one hundred.	The provision indicated is necessary, becaus formation is frequently wanted and the law as it st at present, only provides for an inhabitant of Station being required to furnish information nected with his own affairs. The owner may n an inhabitant of the Station and the occupier frequently depose particulars.
Section 80 (1). The Commission may cause a e to be given to any street, and to be affixed on building in such place as it may think fit and may cause a number to be affixed to any building; and ce manner may, from time to time, cause such s and numbers to be altered.	*Add as sub-section (2). When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the Commission may, by written notice, require him to replace the same within 15 days from the date of service of such notice and if the work is not done within the time allowed, the Commission may have it done and recover cost as provided in section 141.*	The number affixed to houses are constantly o terated or defaced when the houses are white and c washed and even wantonly at times. It is not poss to find out the offender and prosecute him. Co quently houses have to be renumbered alm every year at great trouble and cost. The propo amendment will meet the case and is adopted fr section 255 of the City of Madras Municipal Act 19

M. P. B.—4-09.—1,000.

RESIDENT'S OFFICE. 161

Serial No.
File No. 294/93

[D R A F T .]—For approval.

From

T. B. COPELAND, Esq., I. C. S.,

1st Assistant to the Resident in Mysore.

To

W.

My dear Richards,

No. 7482

Bangalore 22nd November 1909

A. 1W

With you please refer to your letter No. 3352 dated the 11th October 1909, suggesting amendments in certain sections of the Bangalore Municipal Law, 1897.

2. It is proposed to add a new sub section to section 60 of the Municipal Law as sub section (2). In this case, the Municipality will probably wish to re-number existing sub-section (2) as sub section (3). Will you kindly let me know if this is so.

Yours sincerely

T. B. Copeland

T. J. Richards Esqr. B.C.S.
President, Municipal Commissioners,
(& Additional Magistrate,) Bangalore.

No. 1911/09

19/11

102

Regd. No. 6957
Date of Receipt 2/12/09
Vide No. [illegible]

BANGALORE C & M STATION MUNICIPALITY

27th November '09.

Rec'd 30/11/09

Re

My dear Copeland.

D.101

Your D/O dated 22nd instant-re the-renumbering of the Sub-Sections of Section 80 Bangalore Municipal Law.

Your assumption is correct. The proposed addition should be Sub-Section (2) and the present

Yours sincerely.
(Copy letter with file & draft proposing amendments in the Municipal Laws is under preparation being typed.)

H.
2/12/09

H. C. Cox

present Sub-Section (2) should be

Sub-Section *(3)*.

T.B.Copeland Esquire I.C.S.,

First Assistant Resident.

No. 8004, Enc. 1.

From

The Hon'ble Mr. S. M. FRASER, C. I. E.,
RESIDENT IN MYSORE.

To

S. H. BUTLER, Esq., C. S. I., C. I. E.,
SECRETARY TO THE GOVERNMENT OF INDIA,
FOREIGN DEPARTMENT.

Dated Bangalore, the 18th December 1909.

Sir,

I have the honour to submit, for the orders of the Government of India, a proposal of the Municipal Commission of the Civil and Military Station of Bangalore, to amend certain sections of the Bangalore Municipal Law of 1897, promulgated in Foreign Department Notification No. 2175-I. A., dated the 9th June 1897.

2. *Section 21 (1).* Section 21 (1) of the Municipal Law as it stands at present does not exempt 'inferior' servants from a deduction of 5 per cent from their salaries, on account of pensionary contributions, but such exemption has, as a matter of fact, been allowed since December 1892, on the ground that, in consequence of the low salary drawn by these officials, the gratuity payable on their retirement was generally a great deal less than the aggregate amount recovered from them by monthly deductions, and the matter was at the time brought to the notice of the Government of India in the weekly political diary of this Residency.

In order to legalize the existing practice, the Commission propose to add at the end of section 21 (1) the words "except those whose pay does not exceed Rs. 10 per mensem." I would request that this proposal may be approved.

3. *Section 41 (2).* The provision embodied in this section has been found to be defective in the matter of determining the annual value of buildings which are not built with the intention of being rented, but on which the owners have spent large sums to suit their convenience. The rental that could be secured for such buildings, if let, would in most cases be small, and the calculation of the annual value of these buildings on the basis of an estimated rental is prejudicial to Municipal revenues. The Commission therefore propose that, as in the City of Madras, the annual value in respect of such buildings should be fixed at 6 per cent on the cost of the building inclusive of the cost of site, and have accordingly suggested that the following proviso, based on section 130 (1) of the Madras City Municipal Act, 1904 (III) of 1904), be added to section 41 (2) of the Bangalore Municipal Law:—

"Provided that in the case of any building not erected for purposes of being rented and not ordinarily let, the annual value thereof shall be deemed to be 6 per cent on the estimated present cost of erecting the building and the estimated cost of the land in or on which the building is erected."

The proposal appears to be suitable and may be approved. If this is done, the word 'also' may be inserted between the words "provided" and "that" in the existing proviso to section 41 (2) which should be regarded as the second proviso to the section.

4. *Section 53.* This section does not provide sufficient facilities for obtaining information regarding liability to municipal taxation and the Commission propose to revise it on the lines of Section 132 of the Madras City Municipal Act, 1904 (III of 1904), as follows:—

"53 (1). For the purposes of this chapter, the Commission may, by notice in writing,

(a) call on the owner of any land or building to furnish, within a week after the service of the notice, returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building, and

(b) call on the occupier of any land or building to furnish, within a week after the service of the notice, a return of the rent actually paid for such land or building and of the name of the owner.

(2) Every owner and occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knowledge and belief.

(3) If any person so called upon to furnish information (a) omits to furnish it, or (b) furnishes information which he knows or has reason to believe to be untrue, he shall be punishable in case (a) with fine which may extend to ten rupees and in case (b) with fine which may extend to one hundred rupees."

The proposed amendment seems unobjectionable and may be approved.

5. *Section 58.* Under Section 57 (1), assessments for the year 1st April to 31st March have to be fixed before the 1st April and the tax so assessed shall be deemed to be the tax for the year. Under Section 58 (1) amendments may be made by inserting any property which ought to have been inserted but has been omitted through fraud, accident or mistake. There is at present no provision either for assessing a new building or for revising the assessment of an existing building which has been enlarged if such building or enlargement be effected after the 1st April, and such premises can only be brought under assessment with effect from the following year. With a view to remedy this defect, the Commission propose to add, as subsection (2), a clause similar to Section 73 (1) of the Madras District Municipalities Act, 1884 (IV of 1884), the existing subsection (2) being renumbered as subsection (3). Section 58 as thus revised will run:—

"*Section 58.* (1). The Commission may at any time amend the assessment list by inserting the name of any person whose name ought to have been inserted or by inserting any property which ought to have been inserted or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to every person interested in the amendment, of a time not less than one month from the date of service of such notice at which the amendment is to be made.

(2) When any building is first constructed, rebuilt or enlarged the owner shall give intimation thereof to the Commission within 15 days from the completion of such first construction, rebuilding or enlargement or from the date of occupation of such building, whichever date happens first. The Commission shall, on receipt of the said intimation, assess the tax leviable in respect of the building. For every whole month intervening between the date of completion or occupation and the end of the half year one-sixth of the half yearly instalment of such new tax or enhanced tax shall be leviable.

(3) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be given an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

6. *Section. 80.* The Commission have represented that the numbers affixed to buildings under the provisions of Section 80 (1) are constantly obliterated or defaced when the premises are white-washed or color-washed, that it is not always possible to trace the offender and prosecute him, and that under the present conditions, several houses have to be renumbered almost every year at much inconvenience and expense. The Commission therefore desire that a provision, similar to subsection (3) of Section 255 of the Madras City Muncipal Act, 1904 (III of 1904), should be inserted as subsection (2) to Section 80, the existing subsection (2) being renumbered as subsection (3) : The proposed subsection (2) is as follows :—

"(2) When a number has been affixed under subsection (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced and if he fails to do so, the Commission may by wrriten notice require him to replace the same."

7. *Section 137 (1) (e).* There is at present no provision in the Municipal Law (1) for the inspection and regulation of cart stands, (ii) for the control and supervision of premises used for carrying on offensive and dangerous trades, and (iii) for regulating the transport of hides, skins and other noxious articles, which, if left uncontrolled, might spread anthrax or other disease. The Commission therefore propose;

(i) that the words "cart stands" should be inserted between the words "encamping grounds" and "pounds" in Section 137 (1) (e) (i) of the Municipal Law;

(ii) that two new clauses, one based on Section 461 (f) of the Bombay City Municipal Act, 1888, and the other on Section 97 of the Punjab Municipal Act, 1891 (XX of 1891), may be added, as indicated below, to Section 137 (1) (e);

"(vii) for the control and supervision of all premises used for any of the purposes mentioned in Section 103 and of all trades and manufactures carried on therein;

(viii) for regulating the hours and manner of transport of skins, hides, horns, salt fish and bones, or any other articles which may be specified by the Commission with the approval of the Resident, from which offensive or unwholesome smells are likely to arise."

8. *Section 151.* The existing section permits of vehicles being driven without a light at a walking pace on any night, moonlight or otherwise, and at any pace on moonlight nights, involving risk of danger not only to pedestrians who may on moonlight nights be suddenly confronted in places where the road may be in shadow, but also to the drivers and passengers of vehicles with lights that may meet a cart without a light. The Commission therefore suggest that (Section 151) may be recast as follows :—

"151. Whoever drives any vehicle half an hour after sunset in any street unless the vehicle is supplied with a sufficient light shall be punishable with fine which may extend to twenty rupees."

9. *Section 159.* There is no provision in the Municipal Law for punishing neglect of a corpse under conveyance for burial or cremation. It is reported that annoyance is frequently caused by bearers of corpses depositing them in a street either for a little time while they go to buy drink or abandoning them altogether, and the Commission therefore wish to amend Section 159 as follows:—

"159. Whoever carries a corpse along a route prohibited by the Commission or deposits a corpse in any place prohibited by the Commission or in any place or manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees."

10. *Section 186.* The Commission have represented that the existing provisions of the Municipal Law do not afford sufficient facilities for the recovery of sums due to the Municipality, and with a view to remedy this defect, they suggest that the section should be recast as follows:—

"186 (1). When any sum is due to the Commission under this Law by any person the Commission may recover such sum in the following manner, namely:—

(a) by causing a bill for the sum, stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in Section 182;

(b) if the sum is not paid within 7 days from the service of such bill by causing a notice of demand to be served on such person;

(c) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the Station;

(d) by suing such person in the Civil Court;

(e) taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax.

(2) In the event of the non-payment of any tax imposed under Section 41, Section 42 or Section 43, within seven days from the date of the service of a notice of demand in terms of clause (b) of subsection (1) the person failing to pay such tax shall, on conviction before a magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due;

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowance.

(3) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after notice of demand has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the premises; and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him.

Provided that no arrear of rate, or tax which has remained due from the owner of any house, building or land for more than one year, shall be so recoverd from the occupier thereof."

The proposed grouping of Section 186 (1) seems unobjectionable. Sub-clause (e) therein is almost identical with Section 190 of the Madras City Municipal Act, 1904. As regards the suggested subsection (2) of Section 186, I would invite a reference to the correspondence ending with Foreign Department letter No. 4488-I. A., dated the 28th September, 1903 in which objections were raised to a similar proposal made in 1903, while it was suggested as an alternative that a provision similar to Section 201 of the Punjab Municipal Act, 1891 (XX of 1891) might be adopted as a possible remedy. The *arrears of the Municipal taxes remaining uncollected at the end of each year render it absolutely necessary to give the Municipal Commission greater facilities for recovery than now exist. The legal difficulty of procuring the execution, beyond the Resident's jurisdiction, of processes issued in the Civil and Military Station, would prevent a provision on the lines of Section 201 of the Punjab Municipal Act conferring the advantage of enabling action to be taken wherever the defaulter may be resident. In the circumstances, I venture to hope that the Government of India may be willing to allow the subject to be reopened and to accord their sanction to the proposals detailed above.

Year.		Rs.
*1902—03	...	18,826
1903—04	...	19,727
1904—05	...	20,023
1905—06	...	17,797
1906—07	...	22,665
1907—08	...	25,803
1908—09	...	31,755

11. The Commission have no power at present to summon any person to attend to give evidence or produce documents. The necessity for a provision of this nature has often been felt, especially in cases in which the evidence of the occupier is essential for disposing of objections and appeals against proposed Municipal taxation It is therefore proposed that a new section (Section 193) be added to the Municipal Law on the lines of Section 429 of the Madras City Municipal Act, 1904 (III of 1904) as follows:—

"193 The President may summon any person to attend before him and to give evidence or produce documents as the case may be, in respect of any question relating to taxation or inspection, or to the grant of any license under the provisions of this Law.

Any person failing to obey the summons shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees." I venture to recommend that this proposal may be approved.

12. A draft notification embodying the amendments proposed above is forwarded herewith for approval and favour of publication in the Gazette of India.

I have the honour to be,

SIR,

Your most obedient servant,

Sd Fraser

Resident.

---

40 Spare copies with my letter.

Sent on 23-12-06.

103(a)

Draft Notification.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following amendments in and additions to the Bangalore Municipal Law, 1897, promulgated in Foreign Department Notification No. 2175 I. A., dated the 9th June 1897, as amended by that Department Notification No. 5069-I. A., dated the 21st December 1906, namely:—

1. At the end of Section 21 (1), *add* the words "except those whose pay does not exceed rupees ten per mensem."

2. To Section 41 (2), *add* as first proviso, *viz.*, "Provided that in the case of any building not erected for purposes of being rented and not ordinarily let, the annual value thereof shall be deemed to be six per cent on the estimated present cost of erecting the building and the estimated cost of the land in or on which the building is erected," and

Insert the word "also" between the words "Provided" and "that" in the existing proviso which should be regarded as the 2nd proviso to Section 41 (2)

3. For Section 53 (1), *substitute* the following: *viz.*,

"53 (1). For the purposes of this chapter, the Commission may, by notice, in writing,

(a) call on the owner of any land or building to furnish, within a week after the service of the notice, returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building, and

(b) call on the occupier of any land or building to furnish, within a week after the service of the notice, a return of the rent actually paid for such land or building and of the name of the owner."

"(2) Every owner or occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knowledge and belief."

"(3) If any person so called upon to furnish information (a) omits to furnish it, or (b) furnishes information which he knows or has reason to believe to be untrue, he shall be punishable in case (a) with fine which may extend to ten rupees, and in case (b) with fine which may extend to one hundred rupees."

4. For section 58, *substitute* the following: *viz.*,

"58 (1). The Commission may at any time amend the assessment list by inserting the name of any person whose name ought to have been inserted or by inserting any property which ought to have been inserted or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to every person interested in the amendment, of a time not less than one month from the date of service of such notice at which the amendment is to be made.

(2) When any building is first constructed, rebuilt or enlarged, the owner shall give intimation thereof to the Commission within fifteen days from the completion of such first construction, rebuilding or enlargement or from the date of occupation of such building, whichever date happens first. The Commission shall, on receipt of the said intimation, assess the tax leviable in respect of the building. For every whole month intervening between the date of completion or occupation and the end of the half year, one-sixth of the half yearly instalment of such new tax or enhanced tax shall be leviable.

(3) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be given an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

5. To section 80, *add* the following sub-section, *viz.*,

"(2) when a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the Commission may, by written notice, require him to replace the same."

Renumber the existing sub-section (2) of section 80 as number (3).

6. In section 137 (1) (e) (1) *insert* the words "cart stands" between the words "encamping-grounds" and "pounds."

To section 137 (1) (e) *add* the following clauses, *viz.*,

"(vii) For the control and supervision of all premises used for any of the purposes mentioned in section 103 and of all trades and manufactures carried on therein."

(viii) For regulating the hours and manner of transport of skins, hides, horns, salt fish, and bones, or any other articles, which may be specified by the Commission with the approval of the Resident, from which offensive or unwholesome smells are likely to arise."

7. For section 151, *substitute* the following, *viz.*,

"151. Whoever drives any vehicle half an hour after sunset in any street unless the vehicle is supplied with a sufficient light shall be punished with fine which may extend to twenty rupees.

8. For section 159, *substitute* the following, *viz.*,

"159. Whoever carries a corpse along a route prohibited by the Commission or deposits a corpse in any place prohibited by the Commission or in any place or manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees."

9. For section 186, *substitute* the following, *viz.*,

"186 (1). When any sum is due to the Commission under this Law by any person the Commission may recover such sum in the following manner, namely :—

(a) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 182;

(b) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person ;

(c) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the Station ;

(d) by suing such person in the Civil Court;

(e) taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax;

(2) In the event of the non-payment of any tax imposed under Section 41, Section 42 or Section 43, within seven days from the date of the service of a notice of demand in terms of clause (b) of sub-section (1), the person failing to pay such tax, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due.

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowance.

(3) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after notice of demand has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may

recover the same by distress and sale of any moveable property found on the premises and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him.

Provided that no arrear of rate, or tax which has remained due from the owner of any house, building or land for more than one year shall be so recovered from the occupier thereof."

10. At the end of the Municipal Law, *add* a new section, *viz.*,

"193. The President may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation or inspection or to the grant of any license under the provisions of this Law."

Any person failing to obey the summons shall be liable, on conviction before a magistrate, to a fine not exceeding fifty rupees.